

(A) providing for the development of information about the nature and size of mandates in proposed legislation; and

(B) establishing a mechanism to bring such information to the attention of the Senate and the House of Representatives before the Senate and the House of Representatives vote on proposed legislation;

(4) to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instance;

(5) to require that Congress consider whether to provide funding to assist State, local, and tribal governments in complying with Federal mandates, to require analyses of the impact of private sector mandates, and through the dissemination of that information provide informed and deliberate decisions by Congress and Federal agencies and retain competitive balance between the public and private sectors;

(6) to establish a point-of-order vote on the consideration in the Senate and House of Representatives of legislation containing significant Federal intergovernmental mandates without providing adequate funding to comply with such mandates;

(7) to assist Federal agencies in their consideration of proposed regulations affecting State, local, and tribal governments, by—

(A) requiring that Federal agencies develop a process to enable the elected and other officials of State, local, and tribal governments to provide input when Federal agencies are developing regulations; and

(B) requiring that Federal agencies prepare and consider estimates of the budgetary impact of regulations containing Federal mandates upon State, local, and tribal governments and the private sector before adopting such regulations, and ensuring that small governments are given special consideration in that process; and

(8) to begin consideration of the effect of previously imposed Federal mandates, including the impact on State, local, and tribal governments of Federal court interpretations of Federal statutes and regulations that impose Federal intergovernmental mandates.

(Pub. L. 104–4, § 2, Mar. 22, 1995, 109 Stat. 48.)

#### REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 104–4, Mar. 22, 1995, 109 Stat. 48, known as the Unfunded Mandates Reform Act of 1995. For complete classification of this Act to the Code, see Short Title note below and Tables.

#### SHORT TITLE

Section 1 of Pub. L. 104–4 provided that: “This Act [enacting this chapter and sections 658 to 658g of this title, amending sections 602, 632, and 653 of this title, and enacting provisions set out as notes under sections 1511 and 1531 of this title] may be cited as the ‘Unfunded Mandates Reform Act of 1995.’”

### § 1502. Definitions

For purposes of this chapter—

(1) except as provided in section 1555 of this title, the terms defined under section 658 of this title shall have the meanings as so defined; and

(2) the term “Director” means the Director of the Congressional Budget Office.

(Pub. L. 104–4, § 3, Mar. 22, 1995, 109 Stat. 49.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1555 of this title.

### § 1503. Exclusions

This chapter shall not apply to any provision in a bill, joint resolution, amendment, motion, or conference report before Congress and any provision in a proposed or final Federal regulation that—

(1) enforces constitutional rights of individuals;

(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability;

(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the Federal Government;

(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

(5) is necessary for the national security or the ratification or implementation of international treaty obligations;

(6) the President designates as emergency legislation and that the Congress so designates in statute; or

(7) relates to the old-age, survivors, and disability insurance program under title II of the Social Security Act [42 U.S.C. 401 et seq.] (including taxes imposed by sections 3101(a) and 3111(a) of title 26 (relating to old-age, survivors, and disability insurance)).

(Pub. L. 104–4, § 4, Mar. 22, 1995, 109 Stat. 49.)

#### REFERENCES IN TEXT

The Social Security Act, referred to in par. (7), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title II of the Act is classified generally to subchapter II (§ 401 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

### § 1504. Agency assistance

Each agency shall provide to the Director such information and assistance as the Director may reasonably request to assist the Director in carrying out this chapter.

(Pub. L. 104–4, § 5, Mar. 22, 1995, 109 Stat. 50.)

#### SUBCHAPTER I—LEGISLATIVE ACCOUNTABILITY AND REFORM

### § 1511. Cost of regulations

#### (a) Sense of Congress

It is the sense of the Congress that Federal agencies should review and evaluate planned regulations to ensure that the cost estimates provided by the Congressional Budget Office will be carefully considered as regulations are promulgated.

#### (b) Statement of cost

At the request of a committee chairman or ranking minority member, the Director shall, to

the extent practicable, prepare a comparison between—

- (1) an estimate by the relevant agency, prepared under section 1532 of this title, of the costs of regulations implementing an Act containing a Federal mandate; and
- (2) the cost estimate prepared by the Congressional Budget Office for such Act when it was enacted by the Congress.

**(c) Cooperation of Office of Management and Budget**

At the request of the Director of the Congressional Budget Office, the Director of the Office of Management and Budget shall provide data and cost estimates for regulations implementing an Act containing a Federal mandate covered by part B of title IV of the Congressional Budget and Impoundment Control Act of 1974 [2 U.S.C. 658 et seq.].

(Pub. L. 104-4, title I, §103, Mar. 22, 1995, 109 Stat. 62.)

REFERENCES IN TEXT

The Congressional Budget and Impoundment Control Act of 1974, referred to in subsec. (c), is Pub. L. 93-344, July 12, 1974, 88 Stat. 297, as amended. Part B of title IV of the Act is classified generally to part B (§658 et seq.) of subchapter II of chapter 17A of this title. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

EFFECTIVE DATE

Section 110 of title I of Pub. L. 104-4 provided that: “This title [enacting this subchapter and sections 658 to 658g of this title and amending sections 602, 632, and 653 of this title] shall take effect on January 1, 1996 or on the date 90 days after appropriations are made available as authorized under section 109 [section 1516 of this title], whichever is earlier and shall apply to legislation considered on and after such date.”

**§ 1512. Consideration for Federal funding**

Nothing in this chapter shall preclude a State, local, or tribal government that already complies with all or part of the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report from consideration for Federal funding under section 658d(a)(2) of this title for the cost of the mandate, including the costs the State, local, or tribal government is currently paying and any additional costs necessary to meet the mandate.

(Pub. L. 104-4, title I, §105, Mar. 22, 1995, 109 Stat. 62.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 104-4, Mar. 22, 1995, 109 Stat. 48, known as the Unfunded Mandates Reform Act of 1995. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables.

**§ 1513. Impact on local governments**

**(a) Findings**

The Senate finds that—

- (1) the Congress should be concerned about shifting costs from Federal to State and local authorities and should be equally concerned

about the growing tendency of States to shift costs to local governments;

- (2) cost shifting from States to local governments has, in many instances, forced local governments to raise property taxes or curtail sometimes essential services; and

- (3) increases in local property taxes and cuts in essential services threaten the ability of many citizens to attain and maintain the American dream of owning a home in a safe, secure community.

**(b) Sense of Senate**

It is the sense of the Senate that—

- (1) the Federal Government should not shift certain costs to the State, and States should end the practice of shifting costs to local governments, which forces many local governments to increase property taxes;

- (2) States should end the imposition, in the absence of full consideration by their legislatures, of State issued mandates on local governments without adequate State funding, in a manner that may displace other essential government priorities; and

- (3) one primary objective of this chapter and other efforts to change the relationship among Federal, State, and local governments should be to reduce taxes and spending at all levels and to end the practice of shifting costs from one level of government to another with little or no benefit to taxpayers.

(Pub. L. 104-4, title I, §106, Mar. 22, 1995, 109 Stat. 63.)

**§ 1514. Enforcement in House of Representatives**

**(a) Omitted**

**(b) Committee on Rules reports on waived points of order**

The Committee on Rules shall include in the report required by clause 1(d) of rule XI (relating to its activities during the Congress) of the Rules of the House of Representatives a separate item identifying all waivers of points of order relating to Federal mandates, listed by bill or joint resolution number and the subject matter of that measure.

(Pub. L. 104-4, title I, §107, Mar. 22, 1995, 109 Stat. 63.)

CODIFICATION

Section is comprised of section 107 of Pub. L. 104-4. Subsec. (a) of section 107 of Pub. L. 104-4 amended the Rules of the House of Representatives, which are not classified to the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1515 of this title.

**§ 1515. Exercise of rulemaking powers**

The provisions of sections 658 to 658g and 1514 of this title are enacted by Congress—

- (1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

(Pub. L. 104-4, title I, §108, Mar. 22, 1995, 109 Stat. 63.)

#### **§ 1516. Authorization of appropriations**

There are authorized to be appropriated to the Congressional Budget Office \$4,500,000 for each of the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002 to carry out the provisions of this subchapter.

(Pub. L. 104-4, title I, §109, Mar. 22, 1995, 109 Stat. 64.)

#### REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title I of Pub. L. 104-4, Mar. 22, 1995, 109 Stat. 50, which enacted this subchapter and sections 658 to 658g of this title, amended sections 602, 632, and 653 of this title, and enacted provisions set out as a note under section 1511 of this title.

#### SUBCHAPTER II—REGULATORY ACCOUNTABILITY AND REFORM

#### **§ 1531. Regulatory process**

Each agency shall, unless otherwise prohibited by law, assess the effects of Federal regulatory actions on State, local, and tribal governments, and the private sector (other than to the extent that such regulations incorporate requirements specifically set forth in law).

(Pub. L. 104-4, title II, §201, Mar. 22, 1995, 109 Stat. 64.)

#### EFFECTIVE DATE

Section 209 of title II of Pub. L. 104-4 provided that: “This title [enacting this subchapter] and the amendments made by this title shall take effect on the date of the enactment of this Act [Mar. 22, 1995].”

#### REGULATORY PLANNING AND REVIEW

For provisions stating regulatory philosophy and principles and setting forth regulatory organization, procedures, and guidelines for centralized review of new and existing regulations to make the regulatory process more efficient, see Ex. Ord. No. 12866, Sept. 30, 1993, 58 F.R. 51735, set out as a note under section 601 of Title 5, Government Organization and Employees.

#### **§ 1532. Statements to accompany significant regulatory actions**

##### **(a) In general**

Unless otherwise prohibited by law, before promulgating any general notice of proposed rulemaking that is likely to result in promulgation of any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted annually for inflation) in any 1 year, and before promulgating any final rule for which a general notice of proposed rulemaking was published, the agency shall prepare a written statement containing—

(1) an identification of the provision of Federal law under which the rule is being promulgated;

(2) a qualitative and quantitative assessment of the anticipated costs and benefits of the Federal mandate, including the costs and benefits to State, local, and tribal governments or the private sector, as well as the effect of the Federal mandate on health, safety, and the natural environment and such an assessment shall include—

(A) an analysis of the extent to which such costs to State, local, and tribal governments may be paid with Federal financial assistance (or otherwise paid for by the Federal Government); and

(B) the extent to which there are available Federal resources to carry out the intergovernmental mandate;

(3) estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—

(A) the future compliance costs of the Federal mandate; and

(B) any disproportionate budgetary effects of the Federal mandate upon any particular regions of the nation or particular State, local, or tribal governments, urban or rural or other types of communities, or particular segments of the private sector;

(4) estimates by the agency of the effect on the national economy, such as the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services, if and to the extent that the agency in its sole discretion determines that accurate estimates are reasonably feasible and that such effect is relevant and material; and

(5)(A) a description of the extent of the agency's prior consultation with elected representatives (under section 1534 of this title) of the affected State, local, and tribal governments;

(B) a summary of the comments and concerns that were presented by State, local, or tribal governments either orally or in writing to the agency; and

(C) a summary of the agency's evaluation of those comments and concerns.

##### **(b) Promulgation**

In promulgating a general notice of proposed rulemaking or a final rule for which a statement under subsection (a) of this section is required, the agency shall include in the promulgation a summary of the information contained in the statement.

##### **(c) Preparation in conjunction with other statement**

Any agency may prepare any statement required under subsection (a) of this section in conjunction with or as a part of any other statement or analysis, provided that the statement or analysis satisfies the provisions of subsection (a) of this section.

(Pub. L. 104-4, title II, §202, Mar. 22, 1995, 109 Stat. 64.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1511, 1535, 1536, 1571 of this title; title 5 section 801.